

REMARKS

Claims 1-11 are now pending in this application.

Claims 1 and 8 have been amended.

No claims have been canceled and no new claims have been added.

Claim Rejections Under 35 U.S.C. § 102

Claims 8, 10 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,070,141 to Houvener et al. (hereinafter "Houvener"). This rejection is respectfully traversed.

The Examiner uses Houvener as the principal reference in the rejection. Houvener discloses a system to improve the identification of a person during transactions. One embodiment of the invention requires that a credit card with an account number be swiped through a machine, or the account number be entered into an identification terminal using a keyboard. (col. 5 lines 34-46). If needed, the identifier (store clerk) could then input more information to aide in the identity verification via the keyboard. (col. 5 lines 59-62). The account number and additional information are sent to a database. (col. 6 lines 4-45). The database retrieves identity information such as digital images, biometric data, retinal images, etc. (col. 6 lines 46-51). The identifier can then use the retrieved information to verify the identity of the person. (col. 9 lines 5-20).

Another embodiment of the invention described in Houvener uses a smart card and a PIN, which is memorized by the user. (col. 10 lines 23-33). The smart card is encoded with a large, unique user identification number. (col. 10 lines 29-30). The user may then log into a point of identification terminal by inserting the smart card and then entering the PIN associated with the smart card. (col. 10 lines 34-50). The database compares the PIN entered by the user with a PIN encoded in the smart card. (col. 10 lines 48-50). If the two PINs match and the user identification number encoded in the smart card is valid, access will be granted. (col. 10 lines 50-62).

In contrast, the current invention claims a plurality of articles for authentication, each holding different authentication information, and each carried by the same person. The

Examiner alleges that Houvener anticipates the current invention of claim 8 because an account number and a user identification number are mentioned in Houvener. Applicants respectfully disagree. Houvener uses the account number on the credit card in one embodiment and the user identification number encoded on the smart card in a separate embodiment of the invention. The account number on the credit card and the user identification number encoded on the smart card are not used concurrently. Neither does Houvener teach or suggest the combination of a credit card account number with a user identification number to identify a person. Houvener teaches, separately, use of a credit card account number with information stored in a database, and use of a user identification number with a memorized PIN. Thus Houvener fails to teach a plurality of carried articles for authentication that hold different authentication information.

Furthermore, the current invention, as amended, is easily distinguished from both embodiments of Houvener. The current invention, as amended, uses a plurality of articles for authentication that are physically attached to a plurality of portable articles carried by the right person. Houvener fails to teach this element of claim 8. The first embodiment in Houvener uses a credit card with a credit card number as the first identification information unit. The second identification information unit is retrieved from a database. (col. lines 46-51), and is therefore not attached to a portable article carried by the right person. Thus Houvener provides, at most, only one article for authentication that is physically attached to a portable article. The second embodiment uses a smart card as a first identification information unit. The second identification information unit used is a PIN. The PIN is not physically attached to a portable article. Again, according to the second embodiment there can be, at most, only one article for authentication that is attached to a portable article. The invention of claim 8 requires that the plurality of articles for authentication be physically attached to a plurality of portable articles carried by the right person. Neither of the Houvener embodiments teaches or suggests this element of claim 8.

Another distinguishing feature of the current invention over Houvener is that the current invention requires that there be a plurality of articles for authentication carried by a right person. Houvener only requires that the person to be identified provide a first of at least two identification information units. (col. 11 lines 44-46). In the first embodiment discussed above,

the person to be identified need carry only the credit card. In the second embodiment discussed above the person to be identified need carry only the smart card. The current invention requires at least a second, additional article for authentication carried by the right person. Neither embodiment of Houvener teaches or suggests this element of claim 8. Thus Houvener fails to anticipate, teach or suggest all the elements of claim 8.

Claims 10 and 11 are believed to be patentable for at least the same reasons as claim 8. For the above mentioned reasons, applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims under 35 U.S.C. § 102(b).

Claim Rejections Under 35 U.S.C. § 103

Claims 1-7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Houvener in view of U.S. Patent No. 6,250,597 to Forslund (hereinafter "Forslund"). This rejection is respectfully traversed.

The Examiner alleges that Houvener discloses the plurality of articles for authentication as mentioned above, and that Forslund discloses the feature of communicating wirelessly. Applicants respectfully disagree.

The arguments above regarding claim 8 also apply to distinguish the invention of claim 1 from Houvener in that Houvener does not disclose that the plurality of articles for authentication are, respectively, physically attached to a plurality of portable articles customarily carried by the right person. In addition, as discussed above, Houvener fails to disclose that at least two articles for authentication are carried by the right person. The addition of Forslund fails to correct the inherent deficiencies of Houvener.

Claims 2-7 and 9 are believed to be patentable for at least the same reasons as claim 1. For the above mentioned reasons, applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims under 35 U.S.C. § 103(a).

CONCLUSION

In view of the above remarks, it is believed that claims 1-11 are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James C. Larsen, Reg. No. 58,565 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  #37,250

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